

HARDY AND CAREY, L.L.P.
ATTORNEYS AT LAW
111 VETERANS BOULEVARD
SUITE 255
METAIRIE, LOUISIANA 70005
TELEPHONE: 504-830-4646
TELEFAX 504-830-4659

RECEIVED

FEB - 6 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

February 5, 1998

2227.001

BY HAND

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

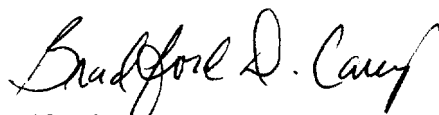
RE: In the Matter of Amendment of §73.202(b)
Table of Allotments FM Broadcast Stations
Point Arena, California
MM Docket No. 97-236
RM-9186
Reply Comments of Del Mar Trust

Dear Ms. Salas:

Enclosed please find the original and four (4) copies of Reply Comments of Del Mar Trust for filing with the Commission in connection with the above-captioned.

If you should have any questions regarding this matter, kindly direct them to the undersigned.

Yours truly,


Bradford D. Carey

BDC/mv
Enclosures

s:\2227.001\980205.fcc

No. of Copies rec'd
List ABCDE

024

RECEIVED

FEB - 6 1998

Before the
Federal Communications Commission

Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	MM Docket No. 97-236
Amendment of §73.202(b))	
Table of Allotments)	RM-9186
FM Broadcast Stations)	
(Point Arena, California))	

TO: Chief, Allocations Branch, MMB Policy and Rules Division

REPLY COMMENTS OF DEL MAR TRUST

Del Mar Trust ("DMT") by its undersigned Counsel, pursuant to the Commission's rules, hereby states its Reply Comments in support of the proposed allotment of an additional channel, 296B1, to Point Arena, California. Point Broadcasting (the "Petitioner") requested that the channel be added; the Commission issued its Notice of Proposed Rule Making in this proceeding on December 5, 1997 (the "NPRM") and the Petitioner and DMT each timely filed Comments in support of the proposal.¹ Both the Petitioner and Del Mar Trust are on record with the Commission as supporting allotments at Point Arena and as applicants for a channel.

¹Point Broadcasting (the Petitioner) and DMT are mutually exclusive applicants for a construction permit on channel 272B1 at Point Arena, California. As further noted by Petitioner and the Commission, the allotment of another class B1 channel to Point Arena, and the amendment of the application of the Petitioner to specify the new channel, with cut-off protection, would resolve the mutual exclusivity of the two pending applications for channel 272B1. Further, as noted in the NPRM, there is yet another equivalent channel available should one or more third parties express an interest in a channel at Point Arena.

DMT supports resolution of the mutual exclusivity between its application for a construction permit on channel 272B1 at Point Arena and that of the Petitioner by the allotment of another channel and the amendment of Petitioner's application,² with cut-off protection, to specify the new channel.³

Since no comments other than those of the Petitioner and DMT, both of which support the proposal, were received, DMT urges that the Commission expeditiously issue an order:

- (1) amending the Table of Allotments, FM Broadcast Stations (§73.202(b)) to add the proposed channel; and
- (2) simultaneously, amending the application of the Petitioner, Point Broadcasting, for a construction permit for Point Arena, to specify the new channel, with cut-off protection; and,
- (3) simultaneously granting the application of Del Mar Trust for a construction permit at Point Arena as filed and granting the application of Point Broadcasting as amended to specify the newly created channel at Point Arena.

The Commission has long held that the provision of additional broadcast services is in the public interest. If the Commission adopts an order taking the actions described above, Point Arena will benefit from new stations now rather than one new station later.

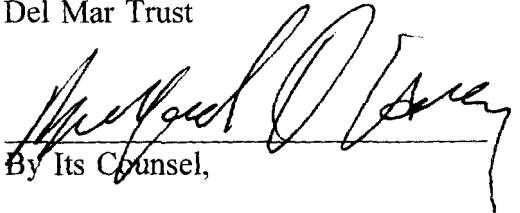
²The NPRM notes that channel 296B1 may be utilized at the site specified in Petitioner's pending application. Therefore, DMT believes that the application should be modified by any order granting the proposed allotment.

³The support of DMT for the proposed additional allotment is conditioned on DMT's application being acted on as a non-mutually exclusive, cut-off, application upon effectiveness of the proposed channel 296B1 allotment.

Moreover, the resources of the applicants and the government will be conserved because the permittees will not be burdened with the costs of a settlement that would likely be rather expensive, if one could be arranged. Resources not expended by the applicants on litigation, settlements, or other costs of securing Commission authorizations to construct and operate the proposed stations can be utilized by the applicants to broadcast better programming than otherwise might occur.

In view thereof, it is clear that the public interest would be furthered by the Commission taking the actions requested above.

Respectfully Submitted
Del Mar Trust


By Its Counsel,

Bradford D. Carey
Hardy & Carey, L.L.P.
111 Veterans Blvd., Suite 255
Metairie, Louisiana 70005


(504) 830-4646

Dated: February 6, 1998

CERTIFICATE OF SERVICE

I, Mary Vance, a secretary in the law firm of Hardy & Carey, L.L.P., do hereby certify that a copy of the above and foregoing Comments of Del Mar Trust has been served on the following by mailing a copy of same via U.S. Mail, postage prepaid, this 6th day of February, 1998, addressed as follows:

Jerrold Miller, Esq.
Miller & Miller, P.C.
P. O. Box 33003
Washington, D.C. 20033



Mary Vance

s:\2227.001\980205.rep